

From: [Jim Hecker](#)
To: [Neugeboren, Steven](#)
Subject: RE: Changes to West Virginia's NPDES Program
Date: Monday, March 30, 2015 10:09:56 AM

Steve, are you able now to confirm the meeting on Friday?

From: Neugeboren, Steven [<mailto:Neugeboren.Steven@epa.gov>]
Sent: Tuesday, March 24, 2015 5:34 PM
To: Jim Hecker
Cc: Horwitz, Sylvia
Subject: Re: Changes to West Virginia's NPDES Program

Thanks Jim. We need to touch a few more internal bases on the scheduling and then will send organ invite

Sent from my iPhone

On Mar 24, 2015, at 2:41 PM, Jim Hecker <JHecker@publicjustice.net> wrote:

peter.morgan@sierraclub.org; jchavez@earthjustice.org; jlovett@appalmad.org;

From: Neugeboren, Steven [<mailto:Neugeboren.Steven@epa.gov>]
Sent: Tuesday, March 24, 2015 2:38 PM
To: Jim Hecker
Cc: Horwitz, Sylvia
Subject: Re: Changes to West Virginia's NPDES Program

Ok. Thanks. Can you please send me their emails for the invite.

Sent from my iPhone

On Mar 24, 2015, at 2:03 PM, Jim Hecker <JHecker@publicjustice.net> wrote:

Joe Lovett, Jennifer Chavez and I will attend in person. Peter Morgan by phone. Not sure yet about Jon Devine.

From: Neugeboren, Steven [<mailto:Neugeboren.Steven@epa.gov>]
Sent: Tuesday, March 24, 2015 2:01 PM
To: Jim Hecker
Cc: Horwitz, Sylvia
Subject: RE: Changes to West Virginia's NPDES Program

We are honing in on april 3 at 2 pending some confirmations. Who do you think will be coming in person?

From: Jim Hecker [<mailto:JHecker@publicjustice.net>]
Sent: Tuesday, March 24, 2015 1:34 PM
To: Neugeboren, Steven

Cc: Horwitz, Sylvia

Subject: RE: Changes to West Virginia's NPDES Program

The best day for us would be April 3; next best the afternoon of April 2.
Joe Lovett has a trial the week of April 13.

From: Neugeboren, Steven [<mailto:Neugeboren.Steven@epa.gov>]

Sent: Tuesday, March 24, 2015 11:26 AM

To: Jim Hecker

Cc: Horwitz, Sylvia

Subject: Re: Changes to West Virginia's NPDES Program

Jim - just a couple things to consider. I assume given avi's short week next week fitting something in then would be challenging. So best to wait for the following week. I am Sylvia would be out that week week of April 6) but if timing is an important consideration we are not essential. I will be back the week of April 13. I would personally appreciate hearing the conversation first hand but again if it can't wait we can see about something the week of the 13th.

Also best to give as many available blocks as possible since as you can imagine avi's calendar can fill up.

Sent from my iPhone

On Mar 24, 2015, at 10:27 AM, Jim Hecker <JHecker@publicjustice.net> wrote:

Yes, I will check schedules with co-counsel and get back to you ASAP. Thanks.

From: Neugeboren, Steven

[<mailto:Neugeboren.Steven@epa.gov>]

Sent: Tuesday, March 24, 2015 10:10 AM

To: Jim Hecker

Cc: Horwitz, Sylvia

Subject: RE: Changes to West Virginia's NPDES Program

Jim – I'm the Associate General Counsel for water (we've met a number of times) and will help arrange for the meeting. I've copied Sylvia Horwitz, who is our attorney on the matter.

I wanted to get your sense/needs regarding timing. Avi is on travel through Wednesday of next week. Can you let me know what would work for you all after that? (will some of you be attending in person or is this a conference call?).
Thanks.

From: Garbow, Avi
Sent: Thursday, March 19, 2015 5:21 PM
To: Jim Hecker
Cc: Neugeboren, Steven
Subject: RE: Changes to West Virginia's NPDES Program

Jim,

Thank you for the letter and follow-up email. I have read the letter, and we are in the process of determining whether we can arrange a meeting, and if so, who the best participants would be from the Agency. I expect we will get back to you shortly.

Regards,

Avi

Avi Garbow
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Jim Hecker [<mailto:JHecker@publicjustice.net>]
Sent: Wednesday, March 18, 2015 10:22 AM
To: Garbow, Avi
Subject: Changes to West Virginia's NPDES Program

Dear Mr. Garbow:

I hope you have had a chance to review the attached letter we sent to you last month about the changes to West Virginia's NPDES program in SB 166 and SB 357.

The relevant provisions of SB 166 were enacted as HB 2283 (pp. 4-5), which was passed by the Legislature on March 12 and became effective on that date. SB 357 was signed by the Governor on March 12 and will become effective on June 1, 2015. The final version of that bill provides that water quality standards "shall not be considered 'effluent standards or limitations' for the purposes of both this article and sections 309 and 505 of the federal Water Pollution Control Act and shall not be

independently or directly enforced or implemented except through the development of terms and conditions of a permit issued pursuant to this article.” SB 357, p. 20. It also provides that “water quality standards themselves shall not be incorporated wholesale either expressly or by reference as effluent standards or limitations in a permit issued pursuant to this article.” Id. at 22.

Would it be possible to meet with you to discuss these changes?

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